IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28/03/2003

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THE HONOURABLE MR. JUSTICE P.K. MISRA

WRIT PETITION No.7724 OF 2003
and
WPMP.NO.9915 OF 2003

Mrs.B. Indhumathy ..... Petitioner

-Vs-

1. Tamilnadu Electricity Board,
rep. by its Chairman,
Anna Salai, Chennai 2.

2. The Executive Engineer,
T.L.C., Basin Bride Power Station,
Chennai.

3. The Asst. Executive Engineer,
T.L.C., Basin Bride Power Station,
Chennai.

4. Junior Engineer,
Tamilnadu Electricity Board,
Vadivudaiamman Koil Street,
Melur, Thiruvallur District. .. Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus as stated therein

For Petitioner : Mr.P.B. Ramanujam

For Respondents : Mr.G. Vasudevan (TNEB)

:J U D G M E N T

In the writ petition, the petitioner has prayed for issuing writ of Mandamus forbearing the respondents from using the petitioner's patta lands in S.Nos.26/3 170 cents, 38/4A 129 cents, 38/4B 112 cents, 31/3 54 cents, 31/4 70 cents in Vichoor village in Thiruvallur district for the purpose of erection of transformers/Towerline circle etc..

2. Petitioner is the owner of the aforesaid patta lands. On 26.2.20 03 the employees of the respondent No.4 started digging the petitioner's land

for erection of transformers. The petitioner learnt that the work was commenced by the respondents under the impression that the land was poramboke land. However, on production of relevant documents, the officials stopped the work. It has been stated in the writ petition that to the adjacent of the petitioner lands, poramboke lands are available for the use of the respondents and there is no necessity to use the lands of the petitioner and a more convenient alternative route, as shown in the sketch map annexed in the typed set of papers, is available for the respondents. On the aforesaid allegations, the petitioner has prayed for issuing the Writ of Mandamus.

3. A counter affidavit has been filed on behalf of the third respondent. It has been stated that under Sec. 42 of the Electricity (Supply) Act, 1948, the Board is empowered to lay lines. The erection was being made on the basis of the sanctioned scheme, it was notified in the leading newspapers on 6.9.2002. It has been further indicated that the alternative route suggested by the petitioner is not at all convenient and the poromboke lands indicated by the petitioner are actually lake area which are not suitable for drawing electric lines which would be dangerous for maintenance work.

4. In course of hearing, the learned counsel for the respondents has submitted that notification was published in the Gazette and subsequently a copy of the Gazette was also produced.

5. Since a scheme has been prepared and notified, it cannot be said that the respondents are trying to erect transformers/tower circle without authority of law. When the notification was published in the newspapers and in the Gazette, it was open to the interested parties, including the petitioner, to file their objections. If ultimately any land of any person is affected, remedy of such person is to claim compensation.

6. For the aforesaid reasons, I do not find any merit in this writ petition, which is accordingly dismissed. No costs. It is however made clear that it would be open to the petitioner to claim compensation in accordance with law.

Index : Yes
Internet : Yes
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To
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